

# Supplemental Budget Request

Status: Pending

## Council

Suppl ID # 4741 Fund 1 Cost Center 1100 Originator: Cathy Halka

Expenditure Type: One-Time Year 2 2024 Add'l FTE  Add'l Space  Priority 1

Name of Request: Attorney for County Council

X  7/24/2024  
Department Head Signature (Required on Hard Copy Submission) Date

Costs:	Object	Object Description	Amount Requested
	6630	Professional Services	\$100,000
	<b>Request Total</b>		<b>\$100,000</b>

### 1a. Description of request:

County Council approved Resolution 2024-035, which requests a declaratory judgement action be brought forward in Whatcom County Superior Court to determine whether Initiative 2024-01 is procedurally invalid and/or exceeds the scope of the local initiative process. The County Prosecutor is unable to represent the County in pursuing this action due to conflicts of interest, and the County Council requires outside legal counsel to do so. County Council passed a motion on July 23, 2024 instructing Council staff to submit this supplemental request.

Note: RCW 36.32.200 Special attorneys, employment of. It shall be unlawful for a county legislative authority to employ or contract with any attorney or counsel to perform any duty which any prosecuting attorney is authorized or required by law to perform, unless the contract of employment of such attorney or counsel has been first reduced to writing and approved by the presiding superior court judge of the county in writing endorsed thereon. This section shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law. Any contract written pursuant to this section shall be limited to two years in duration. [1983 c 129 s 1; 1963 c 4 s 36.32.200. Prior: 1905 c 25 s 1; RRS s 4075.]

### 1b. Primary customers:

Whatcom County voters and taxpayers

### 2. Problem to be solved:

The Prosecuting Attorney is unable to represent the County Council due to conflicts of interest, and therefore Council is required to hire outside legal counsel.

### 3a. Options / Advantages:

This is the process for Council to pursue this action, as per Resolution 2024-035, approved by Council on July 9, 2024.

### 3b. Cost savings:

N/A

### 4a. Outcomes:

The outcome will be a review and potential declaratory judgement action in Whatcom County Superior Court to determine whether Initiative 2024-01 is procedurally invalid or exceeds the scope of the local initiative process.

### 4b. Measures:

Whatcom County Superior Court will make a determination.

### 5a. Other Departments/Agencies:

No

### 5b. Name the person in charge of implementation and what they are responsible for:

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**Fund** 1

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N/A

**6. Funding Source:**

General Fund